



## UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION VII  
901 NORTH 5TH STREET  
KANSAS CITY, KANSAS 66101

The Honorable Neal St. Onge  
Missouri State Representative  
88<sup>th</sup> District  
419 Old State Road  
Ellisville, MO 63021

Dear Representative St. Onge:

During our recent telephone conversation concerning the vehicle testing program in St. Louis, you asked for clarification regarding Clean Air Act (the Act) sanctions as they relate to a failure to implement the vehicle inspection and maintenance (I/M) program in St. Louis. This letter is in response to your request.

The Act establishes a number of requirements that must be met by areas like St. Louis that are designated nonattainment. The current I/M program for the St. Louis area was developed to meet the Act's requirement in section 182(b)(4) as it was classified as a moderate nonattainment area for the 1-hour standard and the program was approved by EPA into the State Plan on May 18, 2000. The area is currently a moderate nonattainment area for the 8-hour standard and I/M is an applicable requirement for such areas under the 8-hour standard. The I/M program is required to be retained in the State Plan to meet federal requirements for the 8-hour ozone standard.

If the Administrator finds that a state failed to implement a plan required by the Act and approved by EPA, section 179 of the Act requires the imposition of sanctions. Upon a finding of failure to implement a plan, a sanctions clock would start on the effective date of the finding. If the state's deficiency continues uncorrected after 18 months from the effective date of the finding, EPA must apply the first of two sanctions, as stated in the Order of Sanctions Rule, 40 CFR 52.31, attached:

1. Emission offset sanctions, which will require a ratio of at least two-to-one emission reductions of VOC and NO<sub>x</sub> to offset increases in emissions from new or modified major facilities within the Missouri portion of the nonattainment area.

If a state's deficiency continues uncorrected later than six months after imposition of the first sanction, a second sanction also applies:

2. Highway funding sanctions, which prohibit the approval by the Secretary of Transportation of certain projects or the awarding of certain grants, with exceptions specified in the Act relating to projects funded by the Department of Transportation.



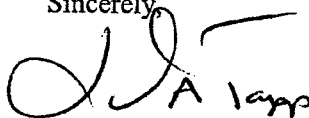
EPA may reverse the order of these sanctions through rulemaking. The sanctions clock may be turned off only if the state corrects the deficiency, and EPA makes a finding that the I/M program is being implemented as required.

Continuation of the current federally approved program would continue to fulfill the requirements of the Act with respect to the I/M requirements. While the Act requires implementation of a vehicle testing program, the federal rule provides flexibility concerning the design of a specific program. Thus revision of the current St. Louis program is possible but it would require EPA's review and approval to assure the program continues to meet the minimum requirements and that any emissions reductions lost as a result of the modifications are replaced by equivalent emission reductions in the nonattainment area to achieve timely health protection for the residents of St. Louis.

It should also be noted that if the I/M program is terminated, the St. Louis metropolitan planning organization (MPO) would likely have difficulty conforming transportation plans with the State Plan. This is because the MPO will not be able to include emission reduction credits from the I/M program in any analysis year after the program is terminated, therefore, making it harder for the area to determine conformity of transportation plans to existing motor vehicle emissions budgets. If the transportation plan cannot be conformed to the budget, then restrictions would be placed on transportation projects in the nonattainment area.

Because a significant portion of St. Louis's air pollution problem comes from mobile sources emissions, we believe that a vehicle inspection and maintenance program in conjunction with national strategies for cleaner fuels and cleaner engines will play a significant role in moving St. Louis forward toward attainment of the 8-hour ozone standard and in reducing toxic emissions and precursors of fine particulates in St. Louis. Currently a number of stakeholders are collaborating and working to devise a structure for a modified vehicle emissions testing program to address many of the concerns raised by the residents of the St. Louis area. We support stakeholder involvement in the development of public policy. We believe that the input that Missouri receives will be critical to the successful development of a viable clean air plan for 2010 and beyond for St. Louis.

Sincerely,

A handwritten signature in black ink, appearing to read 'J. A. Tapp', with a stylized flourish extending from the end.

Joshua A. Tapp

Chief

Air Planning and Development Branch

Attachments (1)

cc: Leanne Tippet-Mosby  
Missouri Department of Natural Resources